

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

**SIXTY-SIXTH LEGISLATIVE DAY
WEDNESDAY, MARCH 17, 2004**

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Burkett, Malepeai, and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Steven Briggs, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Malepeai and Stennett were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 16, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Burkett was recorded present at this order of business.

March 16, 2004

The JUDICIARY AND RULES Committee reports that **S 1256, S 1257, S 1258, S 1259, S 1260, S 1276, S 1282, S 1311, S 1371, S 1382, SCR 129, and SJM 109** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1256, S 1257, S 1258, S 1259, S 1260, S 1276, S 1282, S 1311, S 1371, S 1382, SCR 129, and SJM 109** and ordered them transmitted to the House for the signature of the Speaker.

March 16, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **S 1224, S 1243**, as amended, **S 1303, S 1304, S 1331, S 1344, S 1408, S 1409, S 1410, S 1411, S 1412, S 1413**, and **S 1414** were delivered to the Office of the Governor at 2:45 p.m., March 16, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 16, 2004

The HEALTH AND WELFARE Committee reports out **HJM 25** with the recommendation that it do pass.

BRANDT, Chairman

HJM 25 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 16, 2004

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 803** and **H 812** with the recommendation that they do pass.

ANDREASON, Chairman

H 803 and **H 812** were filed for second reading.

March 16, 2004

The RESOURCES AND ENVIRONMENT Committee reports out **H 515, HJM 23**, as amended, and **HJM 24** with the recommendation that they do pass.

NOH, Chairman

H 515 was filed for second reading.

HJM 23, as amended, and **HJM 24** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 16, 2004

The RESOURCES AND ENVIRONMENT Committee reports out **H 755** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

NOH, Chairman

There being no objection, **H 755** was referred to the Fourteenth Order of Business, General Calendar.

March 17, 2004

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Dyke Nally as Superintendent of the Idaho Liquor Dispensary, term to expire January 4, 2005.

NOH, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 16, 2004

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1210, S 1221, S 1237, S 1244, S 1245, S 1246, S 1248, S 1249, S 1255, S 1266, S 1267, S 1268, S 1278, S 1295, S 1296, S 1381, S 1385, S 1386, S 1396, S 1397, S 1398, S 1399, S 1400, S 1401, S 1402, S 1403, S 1404, S 1405

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 16, 2004

Mr. President:

I return herewith **S 1432, S 1433, S 1434, S 1367, S 1275, S 1262**, as amended, **S 1379, S 1394, S 1407**, and **S 1353** which have passed the House.

JUKER, Chief Clerk

S 1432, S 1433, S 1434, S 1367, S 1275, S 1262, as amended, **S 1379, S 1394, S 1407**, and **S 1353** were referred to the Judiciary and Rules Committee for enrolling.

March 16, 2004

Mr. President:

I return herewith Enrolled **S 1298, S 1302, S 1345, S 1372, S 1415, S 1423, S 1424, S 1425, S 1426, S 1427, S 1428, SCR 130**, and **SCR 131** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1298, S 1302, S 1345, S 1372, S 1415, S 1423, S 1424, S 1425, S 1426, S 1427**, and **S 1428** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 130** and **SCR 131** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Having voted on the prevailing side and proper notice having been served, Senator Noble moved, seconded by Senator Werk, that the vote by which **H 502** passed the Senate be now reconsidered. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Stennett, Gannon, and Werk.

Roll call resulted as follows:

AYES--Brandt, Burkett, Burtenshaw, Gannon, Geddes, Ingram, Kennedy, Malepeai, Marley, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk.
Total - 18.

NAYS--Andreason, Bailey, Bunderson, Calabretta, Cameron, Compton, Darrington, Davis, Goedde, Hill, Keough, Little, Lodge, McKenzie, Sorensen, Stegner, Williams.
Total - 17.

Total - 35.

Whereupon the President declared that the motion to reconsider prevailed and **H 502** was placed before the Senate for final consideration.

Senator Sorensen arose as sponsor of the bill and reopened debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Calabretta, Cameron, Compton, Darrington, Davis, Goedde, Hill, Ingram, Little, Lodge, McKenzie, Sorensen, Stegner, Williams.
Total - 17.

NAYS--Brandt, Burkett, Burtenshaw, Gannon, Geddes, Kennedy, Keough, Malepeai, Marley, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk.
Total - 18.

Total - 35.

Whereupon the President declared that **H 502** had failed to pass the Senate and ordered the bill ordered returned to the House.

At this time Senator Davis arose on a point of personal privilege to announce that a distinguished visitor had arrived, and the President appointed Senator Noh, Chairman, and Senators Sorensen, Ingram, and Kennedy to escort the Honorable Larry Craig, United States Senator, into the Senate Chamber where he addressed the members of the Senate.

The President thanked Senator Craig for his remarks and Senators Noh, Sorensen, Ingram, and Kennedy escorted the Senator from the Chamber, and the committee was discharged.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **H 528**, **H 539**, **H 603**, **S 1354**, **H 780**, **H 544**, as amended, **H 745**, and **H 755** without recommendation, amended as follows:

SENATE AMENDMENT TO H 528

AMENDMENTS TO SECTION 2

On page 1 of the printed bill, in line 26, delete "CERTIFICATES." and insert: "CERTIFICATES -- PRORATING. (1)"; delete lines 29 through 33 and insert:

	Initial Fee	Renewal
Plumbing Contractor	\$75.00	\$37.56.00
Plumbing Journeyman	15.00	7.520
Specialty Contractor	75.00	37.56.00
Specialty Journeyman	15.00	7.520 ;

and following line 33, insert:

"(2) The administrator of the division of building safety shall have the authority to prorate and assess the initial certificate fees as follows: the amount of the initial fee, plus the product of one-twelfth (1/12) of the amount of the renewal fee for that

particular category of certificate multiplied by the number of months in excess of twelve (12) for which the certificate is issued. No certificate shall be issued for less than twelve (12) months.

(3) The administrator of the division of building safety shall have the authority to prorate and assess the renewal fees as follows: the number of months the certificate will be in effect, multiplied by one-twelfth (1/12) of the renewal fee for that particular category of certificate. No renewal shall be issued for less than twelve (12) months."

CORRECTION TO TITLE

On page 1, in line 5, delete "INCREASE" and insert: "ADJUST"; delete line 6; in line 7, delete "PERIOD OF THREE YEARS" and insert: "FOR RENEWAL OF A CERTIFICATE OF COMPETENCY AND TO PROVIDE FOR PRORATING FEES".

SENATE AMENDMENT TO H 539

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 23 through 25, and insert:

"(3) Annually, at a time at the discretion of the utility or entity, a statement shall be posted on the utility's or entity's website detailing to whom and the amount spent on fish and wildlife mitigation by the utility or entity for the most recent fiscal year."

SENATE AMENDMENT TO H 603

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 19, following "years" insert: ". Renewal of any contract pursuant to this section shall not be granted unless the provisions of this section were included, in a substantially conforming summary, within the bidding notice, published pursuant to section 33-601, Idaho Code, of the contract".

CORRECTIONS TO TITLE

On page 1, in line 4, delete "SPECIFIED AND" and insert: "SPECIFIED,"; and also in line 4, following "RENEWAL" insert: "AND TO REQUIRE THAT CERTAIN PROVISIONS BE INCLUDED IN THE BIDDING NOTICE".

SENATE AMENDMENT TO S 1354

AMENDMENT TO THE BILL

On page 1, following line 32, insert:

"SECTION 2. All members of the State Board of Education serving on the effective date of this act shall be entitled to complete the current term of office. Beginning with the first vacancy to occur and continuing until the terms of this act are fully implemented, appointments shall be made to move towards compliance and then to maintain compliance with the provisions of this act."

CORRECTION TO TITLE

On page 1, in line 4, following "EDUCATION" insert: "; AND PROVIDING FOR TRANSITION".

SENATE AMENDMENT TO H 780

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 8, following "PROGRAM." insert: "(1)"; in line 29, before "For" insert:

"(2)"; in line 40, before "The" insert: "(3)"; in line 41, following "grants" insert: "; provided however, that any school district that has issued qualifying bonds prior to June 30, 2004, in conformance with this section shall not be deemed to be refinancing existing debt when the qualifying bonds are utilized to finance the acquisition of public school facilities previously leased or financed through means other than the issuance of general obligation bonds approved by a two-thirds (2/3) vote at an election called for that purpose subject to subsection (5) of this section"; in line 42, before "School" insert: "(4)".

On page 2, in line 3, delete "(1)" and insert: "(1a)"; in line 5, delete "(2)" and insert: "(2b)"; in line 6, delete "(3)" and insert: "(3c)"; and following line 7, insert:

"(5) No school district eligible for participation in the bond levy equalization support program shall be deemed ineligible for participation due to that school district's eligibility and prior participation in the safe school facilities loan and grant program or the Idaho safe schools facilities program under section 33-804A, 33-1017 or 33-1613, Idaho Code, provided that:

(a) Such school district notifies the state department of education of its desire and eligibility to participate in the bond levy equalization support program; and

(b) Such school district shall receive no state financial assistance under the bond levy equalization support program until the amount to which it would otherwise have been entitled to receive shall equal the amounts received by the school district under the safe school facilities loan and grant program or the Idaho safe schools facilities program under section 33-804A, 33-1017 or 33-1613, Idaho Code."

CORRECTION TO TITLE

On page 1, in line 4, following "PROGRAM" insert: ", TO PROVIDE THAT A SCHOOL DISTRICT SHALL NOT BE DEEMED TO BE REFINANCING EXISTING DEBT IN CERTAIN CIRCUMSTANCES, TO PROVIDE THAT AN OTHERWISE ELIGIBLE SCHOOL DISTRICT SHALL NOT BE DEEMED INELIGIBLE DUE TO THE SCHOOL DISTRICT'S ELIGIBILITY AND PRIOR PARTICIPATION IN SAFE SCHOOL PROGRAMS UNDER CERTAIN CONDITIONS AND TO MAKE TECHNICAL CHANGES".

SENATE AMENDMENT TO H 544, As Amended AMENDMENT TO THE BILL

On page 1 of the engrossed bill, delete lines 27 through 43 and delete pages 2 through 4 and insert:

"SECTION . That Section 39-3602, Idaho Code, be, and the same is hereby amended to read as follows:

39-3602. DEFINITIONS. Whenever used or referred to in this chapter, unless a different meaning clearly appears from the context, the following terms shall have the following meanings:

(1) "Applicable water quality standard" means those water quality standards identified in the rules of the department.

(2) "Best management practice" means practices, techniques or measures developed, or identified, by the designated agency and identified in the state water quality management plan which are determined to be a cost-effective and practicable means of preventing or reducing pollutants generated from nonpoint sources to a level compatible with water quality goals.

(3) "Board" means the board of environmental quality.

(4) "Department" means the department of environmental quality.

(5) "Designated agency" means the department of lands for timber harvest activities, for oil and gas exploration and development and for mining activities; the soil conservation commission for grazing activities and for agricultural activities; the transportation department for public road construction; the department of agriculture for aquaculture; and the department of environmental quality for all other activities.

(6) "Designated use or designated beneficial use" means those uses assigned to waters as identified in the rules of the department whether or not the uses are being attained. The department may adopt subcategories of a use.

(7) "Director" means the director of the department of environmental quality, or his or her designee.

(8) "Discharge" means any spilling, leaking, emitting, escaping, leaching, or disposing of a pollutant into the waters of the state. For the purposes of this chapter, discharge shall not include surface water runoff from nonpoint sources or natural soil disturbing events.

(9) "Existing use" means those surface water uses actually attained on or after November 28, 1975, whether or not they are designated uses. Existing uses may form the basis for subcategories of designated uses.

(10) "Full protection, full support, or full maintenance of designated beneficial uses of water" means compliance with those levels of water quality criteria listed in the appropriate rules of the department, or where there is no applicable numerical criteria, compliance with the reference streams or conditions approved by the director in consultation with the appropriate basin advisory group.

(11) "Lower water quality" means a measurable adverse change in a chemical, physical, or biological parameter of water relevant to a designated beneficial use, and which can be expressed numerically. Measurable adverse change is determined by a statistically significant difference between sample means using standard methods for analysis and statistical interpretation appropriate to the parameter. Statistical significance is defined as the ninety-five percent (95%) confidence limit when significance is not otherwise defined for the parameter in standard methods or practices.

(12) "National pollutant discharge elimination system (NPDES)" means the point source permitting program established pursuant to section 402 of the federal clean water act.

(13) "New nonpoint source activity" means a new nonpoint source activity or a substantially modified existing nonpoint source activity on or adversely affecting an outstanding resource water which includes, but is not limited to, new silvicultural activities, new mining activities and substantial modifications to an existing mining permit or approved plan, new recreational activities and substantial modifications to existing recreational activities, new residential or commercial development that includes soil disturbing activities, new grazing activities and substantial modifications to existing grazing activities, except that reissuance of existing grazing permits, or grazing activities and practices authorized under an existing permit, is not considered a new activity. It does not include naturally occurring events such as floods, landslides, and wildfire including prescribed natural fire.

(14) "Nonpoint source activities" includes grazing, crop production, silviculture, log storage or rafting, construction, mining, recreation, septic systems, runoff from storms and other weather related events and other activities not subject to

regulation under the federal national pollutant discharge elimination system. Nonpoint source activities on waters designated as outstanding resource waters do not include issuance of water rights permits or licenses, allocation of water rights, operation of diversions, or impoundments.

(15) "Nonpoint source runoff" means water which may carry pollutants from nonpoint source activities into the waters of the state.

(16) "Outstanding resource water" means a high quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, which has been so designated by the legislature. It constitutes an outstanding national or state resource that requires protection from point source and nonpoint source activities that may lower water quality.

(17) "Person" means any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any legal entity, which is recognized by law as the subject of rights and duties.

(18) "Point source" means any discernible, confined, and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture, discharges from dams and hydroelectric generating facilities or any source or activity considered a nonpoint source by definition.

(19) "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, silt, cellar dirt; and industrial, municipal and agricultural waste, gases entrained in water; or other materials which, when discharged or released to water in excessive quantities cause or contribute to water pollution. Provided however, biological materials shall not include live or occasional dead fish that may accidentally escape into the waters of the state from aquaculture facilities.

(20) "Reference stream or condition" means one (1) of the following:

(a) The minimum biological, physical and chemical conditions necessary to fully support the designated beneficial uses; or

(b) A water body representing natural conditions with few impacts from human activities and which are representative of the highest level of support attainable in the basin; or

(c) A water body representing minimum conditions necessary to fully support the designated beneficial uses.

In highly mineralized areas or in the absence of such reference streams or water bodies, the director, in consultation with the basin advisory group and the technical advisers to it, may define appropriate hypothetical reference conditions or may use monitoring data specific to the site in question to determine conditions in which the beneficial uses are fully supported.

(21) "Short-term or temporary activity" means an activity which is limited in scope and is expected to have only minimal impact on water quality as determined by the director. Short-term or temporary activities include, but are not limited to, maintenance of existing structures, limited road and trail reconstruction, soil stabilization measures, and habitat enhancement structures.

(22) "Silviculture" means those activities associated with the regeneration, growing and harvesting of trees and timber including, but not limited to, disposal of logging slash, preparing sites for new stands of trees to be either planted or allowed to regenerate through natural means, road construction and road maintenance, drainage of surface water which inhibits tree growth or logging operations, fertilization, application of herbicides or pesticides, all logging operations, and all forest management techniques employed to enhance the growth of stands of trees or timber.

(23) "Soil conservation commission" means an agency of state government as created in section 22-2718, Idaho Code.

(24) "Soil conservation district" means an entity of state government as defined in section 22-2717, Idaho Code.

(25) "State" means the state of Idaho.

(26) "State water quality management plan" means the state management plan developed and updated by the department in accordance with sections 205, 208, and 303 of the federal clean water act.

(27) "Subbasin assessment" means a document that describes the watershed or watersheds for which a total maximum daily load is proposed, the water quality concerns and status of beneficial uses of individual water bodies, the nature and location of pollutant sources, past and ongoing pollutant control activities, and such other information that the director and the local watershed advisory group determine is pertinent to the analysis of water quality and the development and implementation of a total maximum daily load.

(28) "Total maximum daily load (TMDL)" means a plan for a water body not fully supporting designated beneficial uses and includes the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, and natural background levels of the pollutant impacting the water body. Pollutant allocations established through TMDLs shall be at a level necessary to implement the applicable water quality standards for the identified pollutants with seasonal variations and a margin of safety to account for uncertainty concerning the relationship between the pollutant loading and water quality standards.

(289) "Waters or water body" means all the accumulations of surface water, natural and artificial, public and private, or parts thereof which are wholly or partially within, flow through or border upon this state. For the purposes of this chapter, water bodies shall not include municipal or industrial wastewater treatment or storage structures or private reservoirs, the operation of which has no effect on waters of the state.

(2930) "Water pollution" is such alteration of the thermal, chemical, biological or radioactive properties of any waters of the state, or such discharge or release of any contaminant into the waters of the state as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare or to domestic, commercial, industrial, recreational, aesthetic or other legitimate uses or to livestock, wild animals, birds, fish or other aquatic life.

(301) "Watersheds" means the land area from which water flows into a stream or other body of water which drains the area. For the purposes of this chapter, the area of watersheds shall be recommended by the basin advisory group described in section 39-3613, Idaho Code.

SECTION 2. That Section 39-3611, Idaho Code, be, and the same is hereby amended to read as follows:

39-3611. DEVELOPMENT AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOAD OR EQUIVALENT PROCESSES. (1) For water bodies described in section 39-3609, Idaho Code, the director shall, in accordance with the priorities set forth in section 39-3610, Idaho Code, and in accordance with sections 39-3614 ~~and through~~ 39-3616, Idaho Code, and as required by the federal clean water act, develop a total maximum daily load to control point source and nonpoint sources of ~~pollution on~~ pollutants to the water body.

(2) Upon the completion of a total maximum daily load, the director shall publish notice of the final decision on the TMDL in the Idaho administrative bulletin and provide written notice to members of the applicable watershed advisory group. The director's final decision shall be based upon a record that provides the basis for the total maximum daily load. The rulemaking provisions in sections 67-5220 through 67-5231, Idaho Code, shall not apply to TMDLs. The director's final decision regarding a TMDL may be appealed to the board of environmental quality in accordance with section 39-107(5), Idaho Code, and the rules governing such appeals. The time for appeal to the board shall commence upon publication in the administrative bulletin. The board's final decision is subject to judicial review under section 39-107(6), Idaho Code. The provisions of this subsection shall apply to all total maximum daily loads developed by the director after January 1, 1995. Provided however, that the rulemaking provisions in sections 67-5220 through 67-5231, Idaho Code, shall apply to TMDLs for metals in the Coeur d'Alene River Basin, upstream from the head of the Spokane River. Provided further, that nothing herein shall modify the requirement that water quality standards be promulgated as rules of the department pursuant to title 67, chapter 52, Idaho Code.

(3) For water bodies where an applicable water quality standard has not been attained due to impacts that occurred prior to 1972, no further restrictions under a total maximum daily load process shall be placed on a point source discharge unless the point source contribution of a pollutant exceeds twenty-five percent (25%) of the total load for that pollutant. Existing uses shall be maintained on all such water bodies.

(4) Total maximum daily load processes developed pursuant to this section shall include, but not be limited to:

- (a) Identification of pollutant(s) impacting the water body;
- (b) An inventory of all point and nonpoint sources of the identified pollutant, if practical, or an analysis of the land types, land uses and geographical features within the watershed that may be contributing identified pollutants to the water body;
- (c) An analysis of why current control strategies are not effective in assuring full support of designated beneficial uses;
- (d) A plan to monitor and evaluate progress toward water quality progress and to ascertain when designated beneficial uses will be fully supported;
- (e) Pollution control strategies for both point sources and nonpoint sources for reducing those sources of pollution;
- (f) Identification of the period of time necessary to achieve full support of designated beneficial uses which takes into account any expected changes to applicable water quality standards; and
- (g) An adequate margin of safety to account for uncertainty.

(5) Point source discharges for which a national pollutant discharge elimination system permit is approved after January 1, 1995, shall be deemed to have met the requirements of this section.

(6) Each TMDL and any supporting subbasin assessment shall be developed in consultation with the watershed advisory group for the watershed in which the water bodies are located. Consultation shall include, but shall not be limited to: (a) providing the watershed advisory group with all available information concerning applicable water quality standards, water quality data, monitoring, assessments, reports, procedures and schedules for developing and submitting the TMDL and any supporting subbasin assessment to the environmental protection agency; (b) utilizing the knowledge, expertise, experience and information of the watershed advisory group in assessing the status, attainability or appropriateness of water quality standards, and in developing a TMDL and any supporting subbasin assessment; and (c) providing the watershed advisory group with the opportunity to participate in drafting the documents for the TMDL and any supporting subbasin assessment. No TMDL shall be published for public comment or submitted for approval by the environmental protection agency until consultation, as herein defined, has occurred. If after consultation, the watershed advisory group disagrees with the TMDL or any supporting subbasin assessment, or has determined that applicable water quality standards should be reevaluated or revised, such position and the basis therefor shall be documented in the public notice of availability to the TMDL and any supporting subbasin assessment for review and in any submission of the same to the environmental protection agency. The director shall respond to the points raised by the watershed advisory group, and document the response in the final decision.

SECTION 3. That Section 39-3615, Idaho Code, be, and the same is hereby amended to read as follows:

39-3615. CREATION OF WATERSHED ADVISORY GROUPS. The director, with the advice of the appropriate basin advisory group, ~~may shall~~ name watershed advisory groups which will generally advise the department on the appropriateness, attainability and status of existing and designated beneficial uses within the watershed, and on the development and implementation of TMDLs and other state water quality plans, including those specific actions needed to control point and nonpoint sources of pollution within the watersheds of those water bodies where designated beneficial uses are not fully supported. Each watershed advisory group shall be formed early enough to complete consultation, as defined in subsection (6) of section 39-3611, Idaho Code, prior to the date the TMDL and any supporting subbasin assessment is scheduled to be submitted to the environmental protection agency for approval. If the members of the watershed advisory group, with the concurrence of the basin advisory group, advise the director that applicable water quality standards within the watershed are not attainable or are inappropriate based upon supporting data, the director shall initiate the process to assess such standards, and to change the standards consistent with this chapter. Members of each watershed advisory group shall be representative of the industries and interests affected by the management of that watershed, ~~along with representatives of local government and shall, where appropriate, include a representative from each of the following: agriculture, mining, point source dischargers, forest products, local government, livestock, Indian tribes (for areas within reservation boundaries), water-based recreation, environmental interests and the land managing or regulatory agencies with an~~

interest in the management of that watershed and the quality of the water bodies within it. Members of each watershed advisory group shall serve and shall not be reimbursed for their expenses during their term of service.

SECTION 4. That Section 39-3616, Idaho Code, be, and the same is hereby amended to read as follows:

39-3616. DUTIES OF EACH WATERSHED ADVISORY GROUP. Each watershed advisory group shall generally be responsible for recommending those specific actions needed to control point and nonpoint sources of pollution within the watershed so that, within reasonable periods of time, designated beneficial uses are fully supported and other state water quality plans are achieved. Watershed advisory groups shall, as described in this chapter, consult with the director and participate in the development of each TMDL and any supporting subbasin assessment, for water bodies within the watershed, and shall develop and recommend actions needed to effectively control sources of pollution. In carrying out the provisions of this section, the director and the watershed advisory groups shall employ all means of public involvement deemed necessary or required in chapter 52, title 67, Idaho Code, and shall cooperate fully with the public involvement or planning processes of other appropriate public agencies.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and shall apply to any subbasin assessment or total maximum daily load pending on the effective date of this act, or initiated subsequent hereto without regard to any other provision of law."

CORRECTION TO TITLE

On page 1, delete lines 2 through 25, and insert: "RELATING TO WATER QUALITY; AMENDING SECTION 39-3602, IDAHO CODE, TO PROVIDE A DEFINITION OF "SUBBASIN ASSESSMENT"; AMENDING SECTION 39-3611, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS, TO PROVIDE THAT EACH TOTAL MAXIMUM DAILY LOAD AND ANY SUPPORTING SUBBASIN ASSESSMENT SHALL PROVIDE IDENTIFICATION OF THE PERIOD OF TIME NECESSARY TO ACHIEVE FULL SUPPORT OF DESIGNATED BENEFICIAL USES WHICH TAKES INTO ACCOUNT ANY EXPECTED CHANGES TO WATER QUALITY STANDARDS AND TO PROVIDE THAT TOTAL MAXIMUM DAILY LOADS SHALL BE DEVELOPED IN CONSULTATION WITH THE WATERSHED ADVISORY GROUP FOR THE WATERSHED IN WHICH THE WATER BODIES ARE LOCATED; AMENDING SECTION 39-3615, IDAHO CODE, TO PROVIDE THAT WATERSHED ADVISORY GROUPS WILL GENERALLY ADVISE THE DEPARTMENT ON THE APPROPRIATENESS, ATTAINABILITY AND STATUS OF EXISTING AND DESIGNATED BENEFICIAL USES WITHIN THE WATERSHED AND ON THE DEVELOPMENT AND IMPLEMENTATION OF TMDLS, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY WITH THE ADVICE OF THE APPROPRIATE BASIN ADVISORY GROUP SHALL NAME WATERSHED ADVISORY GROUPS EARLY ENOUGH TO ALLOW

CONSULTATION TO OCCUR PRIOR TO PUBLIC COMMENT ON AND SUBMISSION OF A TMDL AND ANY SUPPORTING SUBBASIN ASSESSMENT TO THE ENVIRONMENTAL PROTECTION AGENCY FOR APPROVAL AND TO REVISE REPRESENTATIVES OF WATERSHED ADVISORY GROUPS; AMENDING SECTION 39-3616, IDAHO CODE, TO PROVIDE THAT WATERSHED ADVISORY GROUPS SHALL CONSULT WITH THE DIRECTOR AND PARTICIPATE IN THE DEVELOPMENT OF EACH TMDL AND ANY SUPPORTING SUBBASIN ASSESSMENT FOR WATER BODIES WITHIN THE WATERSHED; DECLARING AN EMERGENCY AND PROVIDING APPLICATION."

SENATE AMENDMENT TO H 745 AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 9 through 32; and renumber subsequent sections of the bill accordingly.

CORRECTION TO TITLE

On page 1, in line 2, delete "AMENDING SECTION 36-1601,"; and in line 3, delete "IDAHO CODE, TO FURTHER DEFINE NAVIGABLE STREAMS;"

SENATE AMENDMENT TO H 755 AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 21 and 22, and insert: "its appraised value under the provisions of chapter 3, title 58, Idaho Code. The purchaser of a mineral estate who is not the owner of the surface estate shall have the same rights and liabilities with regard to the surface estate as identified in section 47-708, Idaho Code."

CORRECTION TO TITLE

On page 1, in line 5, delete "TO THE OWNER OF THE SURFACE ESTATE" and insert: "AND TO PROVIDE RIGHTS AND LIABILITIES OF THE PURCHASER OF A MINERAL ESTATE WHO IS NOT THE OWNER OF THE SURFACE ESTATE".

The Committee also has **S 1233, S 1286, S 1375, H 676**, as amended, **S 1284**, as amended, and **S 1419** under consideration, reports progress, and begs leave to sit again

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Stennett, the report was adopted by voice vote.

S 1354, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 528, as amended in the Senate, **H 539**, as amended in the Senate, **H 603**, as amended in the Senate, **H 780**, as amended in the Senate, **H 544**, as amended, as amended in the Senate, **H 745**, as amended in the Senate, and **H 755**, as amended in the Senate, were filed for first reading as amended and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 11:55 a.m. until the hour of 1:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except President Pro Tempore Geddes and Senators Burkett, Cameron, Darrington, Lodge, Noble, Pearce, Schroeder, Sorensen, and Stennett, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senators Burkett, Darrington, Lodge, and Pearce were recorded present at this order of business.

S 1446, by State Affairs Committee, was read the second time at length and filed for third reading.

H 728, as amended, by Education Committee, was read the second time at length and filed for third reading.

H 778, by State Affairs Committee, was read the second time at length and filed for third reading.

H 752, as amended, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 590, as amended, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

H 751, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

H 771, by Ways and Means Committee, was read the second time at length and filed for third reading.

S 1417, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1279, as amended, as amended in the House, by Health and Welfare Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

President Pro Tempore Geddes and Senators Cameron, Schroeder, Sorensen, and Stennett were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, **H 627** was placed before the Senate for consideration at this time.

H 627 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the President declared **H 627** passed, title was approved, and the bill ordered returned to the House.

S 1322, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Stennett, Werk, and Malepeai arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Pearce. Total - 1.

Absent and excused--Goedde, Noble. Total - 2.

Total - 35.

Whereupon the President declared **S 1322** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **S 1441**, having been held, retained its place on the Third Reading Calendar.

S 1445 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Gannon, Geddes, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 23.

NAYS--Burkett, Calabretta, Davis, Kennedy, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 9.

Absent and excused--Darrington, Goedde, Noble. Total - 3.

Total - 35.

Whereupon the President declared **S 1445** passed, title was approved, and the bill ordered transmitted to the House.

H 706 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the President declared **H 706** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, **H 570** retained its place on the Third Reading Calendar.

H 604, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McWilliams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 29.

NAYS--Bailey, Geddes. Total - 2.

Absent and excused--Brandt, Burkett, Goedde, Noble. Total - 4.

Total - 35.

Whereupon the President declared **H 604**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 616 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate.

On request by Senator Little, granted by unanimous consent, **H 616** retained its place on the Third Reading Calendar.

On request by Senator Stegner, granted by unanimous consent, **H 570**, having been held, was placed before the Senate for consideration at this time.

H 570 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the President declared **H 570** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, **S 1441**, having been held, was placed before the Senate for consideration at this time.

S 1441 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the President declared **S 1441** passed, title was approved, and the bill ordered transmitted to the House.

H 654 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Ingram and Bunderson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Compton, Davis, Gannon, Goedde, Hill, Ingram, Keough, Little, Lodge, Malepeai, Marley, McWilliams, Noh, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 25.

NAYS--Burkett, Cameron, Darrington, Geddes, Kennedy, McKenzie, Richardson, Sweet. Total - 8.

Absent and excused--Noble, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 654** passed, title was approved, and the bill ordered returned to the House.

H 684 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the President declared **H 684** passed, title was approved, and the bill ordered returned to the House.

The President called Senator Davis to the Chair.

H 564 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 564** passed, title was approved, and the bill ordered returned to the House.

H 587, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 587**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 727 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Werk, Williams. Total - 32.

NAYS--Burkett. Total - 1.

Absent and excused--Noble, Stennett. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 727** passed, title was approved, and the bill ordered returned to the House.

H 658 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bailey arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 658** passed, title was approved, and the bill ordered returned to the House.

H 697 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Davis, Gannon, Geddes, Hill, Ingram, Kennedy, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--Bailey, Compton, Goedde, Keough. Total - 4.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 697** passed, title was approved, and the bill ordered returned to the House.

Senator Noble was recorded present at this order of business.

Senator Brandt requested unanimous consent that **H 756** be referred to the Fourteenth Order of Business for amendment.

Senator Gannon objected.

Moved by Senator Brandt, seconded by Senator Lodge, that **H 756** be referred to the Fourteenth Order of Business for amendment. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Brandt, Bailey, and Pearce.

Roll call resulted as follows:

AYES--Bailey, Brandt, Burkett, Burtenshaw, Calabretta, Cameron, Darrington, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, Noble, Pearce, Richardson, Stennett, Sweet, Williams. Total - 20.

NAYS--Andreason, Bunderson, Compton, Davis, Gannon, Kennedy, Malepeai, Marley, McKenzie, McWilliams, Noh, Schroeder, Sorensen, Stegner, Werk. Total - 15.

Total - 35.

Whereupon the Acting President declared that the motion to refer **H 756** to the Fourteenth Order of Business for amendment prevailed and the bill was referred to the Fourteenth Order of Business, General Calendar.

H 677 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Noble arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 677** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

H 683 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 683** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 624** was recommitted to the State Affairs Committee.

H 783 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Williams. Total - 26.

NAYS--Calabretta, Kennedy, Malepeai, Marley, Stennett, Werk. Total - 6.

Absent and excused--Bunderson, Burkett, Noh. Total - 3.

Total - 35.

Whereupon the President declared **H 783** passed, title was approved, and the bill ordered returned to the House.

H 784 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Werk, Williams. Total - 31.

NAYS--Calabretta, Schroeder. Total - 2.

Absent and excused--Burkett, Stennett. Total - 2.

Total - 35.

Whereupon the President declared **H 784** passed, title was approved, and the bill ordered returned to the House.

H 785 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 785** passed, title was approved, and the bill ordered returned to the House.

H 786 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 786** passed, title was approved, and the bill ordered returned to the House.

H 724 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Compton, Davis, Gannon, Geddes, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Goedde. Total - 1.

Absent and excused--Cameron, Darrington. Total - 2.

Total - 35.

Whereupon the President declared **H 724** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House Appropriations Committee bills, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 17, 2004

The STATE AFFAIRS Committee reports out **SCR 134** with the recommendation that it do pass.

SORENSEN, Chairman

SCR 134 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 17, 2004

The STATE AFFAIRS Committee reports out **H 811** with the recommendation that it do pass.

SORENSEN, Chairman

H 811 was filed for second reading.

March 17, 2004

The STATE AFFAIRS Committee reports out **H 777** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

SORENSEN, Chairman

There being no objection, **H 777** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 17, 2004

Mr. President:

I transmit herewith **H 837, H 838, H 839, H 840, and H 841** which have passed the House.

JUKER, Chief Clerk

H 837, H 838, H 839, H 840, and H 841 were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

H 837, H 838, H 839, H 840, and H 841, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:40 p.m. until the hour of 9:30 a.m., Thursday, March 18, 2004.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary